

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

FEBRUARY 17, 2004

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, February 17, 2004 at 9:40 a.m. in Room 425, State House Annex, 25 Capitol Street, Concord, New Hampshire 03301.

Meeting called to order at 9:40 a.m. by Acting Chairman Robert Stephen

Present: Commissioners Robert Stephen, Pauline Ikawa, Barbara Heath, Executive Director Beth Emmons, and Investigator Ann Flanagan.

- I. Motion by Commissioner Stephen, seconded by Commissioner Heath, to approve and accept the minutes of the Commission meeting held on January 20, 2004.

II. **APPOINTMENTS**

8:30 a.m. - Equivalency Interviews

The following candidate was interviewed by Commissioners Heath and Ikawa:

CANDIDATE

DETERMINATION

KEVIN BLAYNE

DENIED

9:50 a.m. – ROBERT GUILMETTE appeared before the Commission to explain a previous legal incident prior to submitting an application for a salesperson's license. After review and discussion, and on motion by Commissioner Stephen, seconded by Commissioner Heath, the Commission decided to not approve Mr. Guilmette's request at this time, based on the fact that Mr. Guilmette is currently on probation. The Commission instructed Mr. Guilmette, once released from probation, to submit a request to re-appear before the Commission for reconsideration.

DISCUSSION

FILE NO. 2003-05-03 NH REAL ESTATE COMMISSION V. JOHN R. ROBERGE – Attorney John S. Krupski, on behalf of his client John Roberge, submitted a request to vacate the Commission Order issued for File No. 2003-05-03 and withdrawal of Merrimack Superior Court Docket No. 03-E-0409, and requested a re-hearing before the Commission. After review and discussion, the Commission voted to Vacate the Order issued for File No. 2003-05-03 and the Appeal of Docket No. 03-E-0409, and to hold a re-hearing on the matter of File No. 2003-05-03. Attorney Krupski and John Roberge to be notified.

DEARBORN CONTINUING EDUCATION ELECTIVE CORRESPONDENCE COURSES – Fran West, the Education Program Assistant for the Commission presented to the Commission, the current elective courses from Dearborn currently accredited through the Commission for distance education through the Internet, CBT and Correspondence for clarification as to whether these courses should continue to be offered through the method of correspondence. Ms. West explained that Dearborn stated that the courses were not designed to be offered by correspondence. Ms. West reviewed one of the course booklets and completed the final quiz, and noted that the time spent to complete the course was less than 3 hours. After review and discussion, the Commission decided that the courses should no longer be offered through correspondence and courses will remain accredited to be offered through the Internet and CBT method. Continuing Education Instructors who currently offered these courses through correspondence to be so notified.

PUBLIC DOCUMENTS – Attorney John M. Sullivan of PretiFlaherty requested a clarification from the Commission on what documents that are introduced and discussed at the monthly Commission meetings fall under the requirements of RSA 91-A. The Commission clarified that all Commission Minutes, Orders and Settlement Agreements, once approved, are posted on the Commission's web site. The Commission further explained that any document which is discussed in a public meeting by the Commission will be available, as long as the documents do not fall under the exemptions of RSA 91-A. The question at issue is whether documents brought before the Commission for discussion in a public meeting are for public view, when the person who brings the documents before the Commission requests that they remain confidential. The Commission directed the Executive Director to get a clarification from the Attorney General's Office and to obtain better guidelines on other documents currently in question.

III. OTHER BUSINESS

1. Tuesday, March 16, 2004, was unanimously approved as the date for the next regular meeting.
2. CASE EVALUATIONS - None
3. SETTLEMENT AGREEMENT

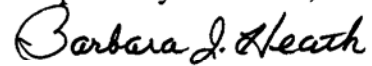
The following Settlement Agreement was approved by the Commission and becomes part of the official Minutes of this meeting.

FILE NO. 2003-05-05 NH REAL ESTATE COMMISSION V. JAY S. LAVESON

VI. **ADJOURNMENT**

Motion by Commissioner Ikawa, seconded by Commissioner Heath to adjourn the meeting. Acting Chairman Stephen adjourned the meeting at 11:20 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Heath".

Barbara J. Heath
Clerk

BEFORE THE
NEW HAMPSHIRE REAL ESTATE COMMISSION
CONCORD NH 03301

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NH REAL ESTATE COMMISSION

In the Matter of:

File No. 2003-05-05 NH Real Estate Commission v. Jay S. Laveson
Allegations: NH RSA 331-A:26, I

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of real estate, the New Hampshire Real Estate Commission ("Commission") and Jay S. Laveson ("the Licensee" or "the Respondent"), a real estate salesperson currently licensed by the Commission until 12/13/04, agree to resolve certain allegations of professional misconduct now pending before the Commission in accordance with the following terms and conditions:

1. The parties stipulate that the Commission has jurisdiction to institute a disciplinary proceeding against the Respondent pursuant to RSA 331-A:29, I and RSA 541-A:31, V, and if such a proceeding were commenced, the allegations against the Respondent would be:

Jay S. Laveson received his New Hampshire salesperson's license after making Form 2-RE sworn notarized application in December, 2002. However, Jay Laveson answered "No" to question #10: "Have you ever been or are you now involved in any matters which may affect your good repute or trustworthiness or have any relation to or bearing upon whether you are entitled to public confidence?" Jay Laveson failed to disclose a civil settlement agreement, SEC v. Jay S. Laveson 02 CV 11336 GAO, on July 2, 2002 with the United States Securities and Exchange Commission for SEC

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NH REAL ESTATE COMMISSION charges of insider trading in three stocks in violation of the antifraud provisions of the

federal securities laws, including Section 17(a) of the Securities Act of 1933 and

Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.

The details of this settlement agreement have been posted as public information on the United States Securities and Exchange Commission's web site.

2. The Respondent neither admits nor denies the allegations described in Paragraph 1 above.
3. The Respondent consents to the Commission imposing the following discipline, pursuant to RSA 331-A:28, I. The Respondent shall pay a disciplinary fine to the New Hampshire Real Estate Commission in the total amount of Two Hundred and Fifty Dollars (\$250.00) made payable to Treasurer, State of New Hampshire within sixty (60) days of the effective date of this Agreement.
4. The Respondent's failure to adhere to any requirement imposed by this Agreement shall be a separate and sufficient ground for disciplinary action by the Commission.
5. Except as provided in Item 3 and 4 above, this Agreement shall forever bar further disciplinary action or other adverse action by the Commission based upon the specific allegations described above in Paragraph 1, provided, however, that this Agreement may be considered by the Commission in determining whether the Respondent has engaged in a pattern of misconduct, or in determining the nature of any sanctions which may be imposed in any subsequent disciplinary proceeding arising out of different misconduct allegations.

NH REAL ESTATE COMMISSION

6. The Respondent voluntarily signs this Settlement Agreement and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
7. Respondent understands that his action in entering into this agreement is a final act and not subject to reconsideration or judicial review or appeal.
8. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this Agreement.
9. Respondent understands that the Commission must review and accept the terms of this Agreement. If the Commission rejects any portion, the entire Agreement shall be null and void. Respondent specifically waives any claims that any disclosures made to the Commission during its review of this Agreement have prejudiced his right to a fair and impartial hearing in the future if this Agreement is not accepted by the Commission.
10. Respondent certifies that he has read this document titled Settlement Agreement. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this Agreement, he waives these rights as they pertain to the misconduct described herein.
11. The effective date of this Agreement shall be on the date it is signed by the representative of the Commission shown below.

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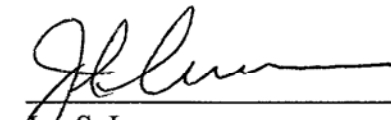
For the Respondent

I, Jay S. Laveson, have reviewed the forgoing Settlement Agreement settling misconduct allegations pending against me, and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this Settlement Agreement. Further, I knowingly and freely waive my right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations, which have been settled by the terms of this Settlement Agreement.

Dated: _____, 2004

2/10

2004


Jay S. Laveson
Respondent


On this _____ day of _____ A.D. 2004

10th

February

2004

personally appeared the person who subscribe to the following instrument and acknowledged the same as his/her voluntary act and deed before me.


Justice of the Peace/Notary Public

My commission expires:


PATRICIA L. DIFAZIO, Notary Public
My Commission Expires January 7, 2009

For the Commission

Dated: _____, 2004

February 17

2004


Beth A. Emmons
Executive Director
of the NH Real Estate Commission